

Fresno, California

March 27, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

|          |                  |                          |
|----------|------------------|--------------------------|
| Present: | Brian Calhoun    | Councilmember            |
|          | Mike Dages       | Councilmember            |
|          | Jerry Duncan     | Councilmember            |
|          | Cynthia Sterling | Councilmember            |
|          | Larry Westerlund | Councilmember            |
|          | Blong Xiong      | Acting Council President |
|          | Henry Perea      | Council President        |

Jon Ruiz, Assistant City Manager  
James Sanchez, City Attorney  
Becky Klisch, City Clerk  
Cindy Bruer, Deputy City Clerk

Imam of the Mosque Sheikh Ramadan from Masjid Fresno gave the invocation, and President Perea led the Pledge of Allegiance.

PROCLAMATION OF "ASIAN AMERICAN MONTH" – ALL COUNCILMEMBERS

PROCLAMATION OF "LAO NEW YEAR" – ALL COUNCILMEMBERS

PROCLAMATION OF "NATIONAL CHILD ABUSE PREVENTION MONTH" – MAYOR AUTRY AND ACTING PRESIDENT XIONG

Read and presented.

----

**APPROVE MINUTES OF MARCH 20, 2007:**

On motion of Councilmember Westrlund, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of March 20, 2007, approved as submitted.

----

**COUNCIL MEMBER REPORTS AND COMMENTS:**

COUNCILMEMBER STERLING: Commended Councilmember Dages for the success of the 4<sup>th</sup> Annual Texas Hold-Em Celebrity Charity Poker Tournament held last Saturday evening.

COUNCILMEMBER DAGES: Thanked everyone who participated in the Poker Tournament, stated the tournament raised \$29,100 for charity.

----

**APPROVE AGENDA:**

On motion of Councilmember Dages, seconded by Acting President Xiong, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

|         |  |
|---------|--|
| Ayes :  | Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea |
| Noes :  | None   |
| Absent: | None   |

----

**ADOPT CONSENT CALENDAR:**

Barbara Hunt, 2475 S. Walnut, spoke to Consent items 1J, 1I and 1B.

**(1-A) \* AWARD A CONTRACT TO GRANITE CONSTRUCTION COMPANY IN THE AMOUNT OF \$255,140 FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 63, COUNCIL DISTRICT NO. 5 – DEPARTMENT OF PUBLIC UTILITIES**

**(1-B) \* AWARD A CONSTRUCTION CONTRACT TO GOSTANIAN GENERAL BUILDING CORPORATION IN THE AMOUNT OF \$448,790 FOR INTERIOR OFFICE REHABILITATION AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI) AND AIRPORTS ADMINISTRATION – AIRPORTS DEPARTMENT**

**(1-C) \* APPROVE THE SALE OF 5.03 ACRES OF CITY LAND AT THE SOUTHWEST CORNER OF E. CHURCH AVENUE AND S. ORANGEWOOD DRIVE TO THE FRESNO UNIFIED SCHOOL DISTRICT FOR THE MARKET VALUE OF \$740,000 (LOCATED IN DISTRICT 5); THE CITY MANAGER HEREBY AUTHORIZED TO EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS, TO EXECUTE GRANT DEED AND TO DIRECT STAFF TO CONCLUDE THE TRANSACTION THROUGH A THIRD PARTY ESCROW AFTER THE DISTRICT COMPLETES ITS DUE DILIGENCE PROCESS; APPROVE AUTHORIZATION TO MAKE NONSUBSTANTIVE CHANGES TO THE AGREEMENT AND GRANT DEED SUBJECT TO FINAL APPROVAL BY THE CITY ATTORNEY - PUBLIC WORKS DEPARTMENT**

**(1-D) \* APPROVE THE ACQUISITION OF STREET EASEMENTS PF 427.76 SQUARE FEET FOR THE RELOCATION OF A TRAFFIC SIGNAL AND THE PURCHASE OF STREET EASEMENTS FROM APN 408-050-34 FROM LAND OWNED BY STORELLI LAND COMPANY, LLC, IN THE AMOUNT OF \$47,860 AT THE NORTHWEST CORNER OF N. FRESNO STREET AND E. SIERRA AVENUE FOR THE CONSTRUCTION OF TRAFFIC SIGNAL AT \$3,640 AND INTERSECTION IMPROVEMENTS (LOCATED IN DISTRICT 6) - PUBLIC WORKS DEPARTMENT**

**(1-E) \* RESOLUTION NO. 2007 -111 - 63<sup>RD</sup> AMENDMENT TO AAR NO. 2006-253 AND APPROPRIATING \$45,000 FOR MAINTENANCE OF COMMUNITY FACILITIES DISTRICT NO. 2 (*REQUIRES 5 AFFIRMATIVE VOTES*) – PUBLIC WORKS DEPARTMENT**

**(1-F) RESOLUTION NO. 2007-112 - AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR GRANT FUNDS FROM CALTRANS LOCAL ASSISTANCE PROGRAM HIGHWAY SAFETY IMPROVEMENT PROGRAM AND AUTHORIZING THE EXECUTION OF DOCUMENTS - PUBLIC WORKS DEPARTMENT**

**(1-G) \* AUTHORIZE THE PURCHASING MANAGER TO AMEND A CURRENT SERVICE CONTRACT WITH COOK'S COMMUNICATIONS OF FRESNO, CALIFORNIA, FOR POLICE CAR EQUIPMENT INSTALLATION FOR A TOTAL COST NOT TO EXCEED \$95,000 – GENERAL SERVICES DEPARTMENT**

**(1-H) RESOLUTION NO. 2007-113 – AUTHORIZING THE SUBMITTAL OF A CALHOME (PROPOSITION 1C) GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR OWNER OCCUPIED REHABILITATION PROGRAM FUNDS; PLANNING AND DEVELOPMENT DIRECTOR HEREBY AUTHORIZED TO SIGN ALL NECESSARY DOCUMENTS FOR PARTICIPATION IN THE PROGRAM – PLANNING AND DEVELOPMENT DEPARTMENT**

**(1-I) RESOLUTION NO. 2007-114 – APPROVING THE FINAL MAP OF TRACT NO. 5461 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE THE PUBLIC WORKS DIRECTOR, THE PUBLIC UTILITIES DIRECTOR AND THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS (*PROPERTY LOCATED IN DISTRICT 4*) – PLANNING AND DEVELOPMENT DEPARTMENT**

**(1-J) CONSIDERATION OF PROPOSED ALLUVIAL-CHESTNUT NO. 1B REORGANIZATION: RESOLUTION FOR APPROVAL TO FILE WITH THE FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR THE DETACHMENT OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 3.22 ACRES FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO (*PROPERTY LOCATED IN DISTRICT 6*) – PLANNING AND DEVELOPMENT DEPARTMENT**

**1. AFFIRM THE ACTION OF THE CITY COUNCIL OF APRIL 25, 2006, IN ADOPTING THE ENVIRONMENTAL FINDING OF ENVIRONMENTAL ASSESSMENT NO. A-05-09/R-05-69/C-05-106/T-5606, DATED MARCH 16, 2006, RESULTING IN A MITIGATED NEGATIVE DECLARATION**

**2. RESOLUTION NO. 2007-115 – APPLYING TO THE FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCO) IN THE MATTER OF THE PROPOSED ALLUVIAL-CHESTNUT NO. 1B REORGANIZATION**

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent : None

- - - -

**(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:**

Barbara Hunt, 2475 S. Walnut, spoke to issues pertaining to general government functions and Fresno County Supervisor Bob Waterston.

- - - -

**BREAK – 9:04 A.M. – 9:15 A.M.**

- - - -

**(9:15 A.M. A) RESOLUTION – REQUESTING THE REMOVAL OF SUPERVISOR BOB WATERSTON FROM THE FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) BOARD – COUNCILMEMBER CALHOUN**

Councilmember Calhoun reviewed two types of conflicts of interest, expressed concern with the possibility of a conflict of interest relating to Supervisor Bob Waterston being a member of the Fresno County Local Agency Formation Commission (LAFCO) Board during the sphere of influence and general plan discussions related to density and lot sizes. He advised Mr. Waterston would gain financially by maintaining larger lot sizes with his personal swimming pool business. Councilmember Calhoun stated a City Councilmember was not on the LAFCO Board resulting in the City having little recourse on the Board and reviewed the contents of a documented telephone call Mr. Waterston made on January 7, 2007, to the City of Fresno Planning and Development Director Yovino. Councilmember Calhoun advised the City would be bringing significant development proposals to the LAFCO Board for consideration in the near future and of the need to have an unbiased decision by the Board, and requested Council support the above resolution.

A motion of Councilmember Calhoun to approve the above listed resolution died due to a lack of a second.

Harley Turner, 1326 E. Goshen, stated Bob Waterston had done an excellent job as a LAFCO Boardmember and stressed the need for the Council to deal with issues of the City's misconduct.

- - - -

**(9:15 A.M. B) COUNCIL DISCUSSION AND DIRECTION ON A LLMD BALLOT ELECTION – COUNCILMEMBER CALHOUN**

Councilmember Calhoun stated many homeowners were assessed for Landscape and Lighting Maintenance District (LLMD) fees which had not been increased since 1977; adding the cost of maintenance had gone up considerably and something had to be done as the City was getting to a point where the LLMD's could no longer be maintained. **(2-0)** Councilmember Calhoun stated the only way to address the issue was through a mailed ballot; reviewed the process and recommended Council set up a workshop on how the process would work with staff to provide recommendations and the issue could be discussed in more detail.

Councilmember Sterling spoke in support of the LLMD and the need for the fee increase to cover the City's costs and recommended staff be directed to begin the process of implementing Proposition 218. Councilmember Duncan stated there had been concern about the maintenance of landscaping in his area and questioned why the administration had not brought forward any changes to the fees. Assistant City Manager Ruiz stated there had been an increased emphasis during the last couple of years on median island and buffer maintenance; advised there had been continued improvement in the process and after the goals were reached staff would review the need for additional funding. Councilmember Duncan agreed with the quality of service being provided and advised these types of issues should be discussed during the budget process at which time staff could provide information as to whether a fee increase was needed.

Councilmember Duncan questioned whether the City Manager's Office was responsible for responding to the Grand Jury request recently received with Mr. Ruiz responding. City Attorney Sanchez advised the response needed to be presented to Council prior to being submitted to the Grand Jury. Councilmember Calhoun stated staff could not appropriate general funds to be used in this type of an area and the decision would be up to the affected residents, advising to initiate Proposition 218 was a policy issue and clarified this would not be a Council initiated tax. He stated the Council had been criticized for not raising taxes until it becomes a crisis mode and the necessary action taken was most often significant. No action taken.

- - - -

**BREAK – 9:42 A.M. - 10:00 A.M.**

- - - -

**(10:00 A.M.#1 A) CONTINUED HEARING TO CONSIDER APPROVAL OF RESOLUTION ADOPTING THE 443<sup>RD</sup> AMENDMENT TO MFS RESOLUTION NO. 80-420, ACCEPTANCE AND ADOPTION OF FINAL DRAFT REPORT, FRESNO MAJOR STREET IMPACT FEE PROGRAM NEXUS STUDY, ADOPTION OF FINDING OF CONFORMITY WITH THE MASTER ENVIRONMENTAL IMPACT REPORT 10130 FOR THE CITY'S 2025 GENERAL PLAN, AND ADOPTION OF A RESOLUTION ESTABLISHING POLICIES FOR IMPLEMENTING THE NEW STREET IMPACT FEE PROGRAM – PUBLIC WORKS DEPARTMENT**

- 1. ACCEPT AND ADOPT THE DRAFT FINAL REPORT – FRESNO MAJOR STREET IMPACT FEE PROGRAM NEXUS STUDY PREPARED BY EPS, DATED MARCH 15, 2007**
- 2. ADOPT FINDING OF CONFORMITY WITH THE MASTER EIR 10130 FOR ENVIRONMENTAL ASSESSMENT NUMBER PW 06-06-27**
- 3. \* RESOLUTION NO. 2007-116 – 443<sup>RD</sup> AMENDMENT TO MASTER FEE SCHEDULE RESOLUTION NO. 80-420 TO ESTABLISH A CITYWIDE STREET IMPACT FEE FOR LOCALLY REGIONALLY SIGNIFICANT STREETS AND AN IMPACT FEE FOR NEW GROWTH AREA MAJOR STREETS**

**(10:00 A.M. #1 B) DISCUSSION AND ACTION REGARDING ALTERNATIVE PROPOSAL FOR THE TRAFFIC IMPACT FEE - COUNCILMEMBER DAGES**

President Perea announced the time had arrived to consider the issue and opened the hearing. Assistant City Manager Ruiz made opening comments, reviewed the need for the City to support the growth and revitalization of the community envisioned in the 2025 General Plan where the City needed to build and expand over \$1.5 billion of City streets, curbs, gutters sidewalks, traffic signals, left turn lanes and widened intersection. Mr. Ruiz stated the City proposed a street development impact fee that would ensure over \$400 million of the gap would be paid for by new development; stated stakeholders, developers and City administration agreed the \$400 million was the appropriate amount of capital infrastructure needed; reviewed other funding sources, advising the fees were significant, particularly for the commercial developments and the City administration shared the concern the proposed fees may impact development and to address the concerns a portion of certain fees would be phased in over the next three years allowing for the market and land values to adjust. Mr. Ruiz stressed this approach was reasonable and responsible.

Interim Planning and Development Director Bergthold gave an extension outline of the history of the process resulting in approximately 28 meetings to find facts which concluded an agreement of \$414 million of capital was needed to fund the major street system through the street impact fee program and 19,700 developmental acres would participate in paying the fees. Mr. Bergthold advised the southeast growth area was not included in the new boundary and possibly a different planning process would assist in financing capital infrastructure for the new growth area and could be a model to fund future improvements.

Assistant Public Works Director Kirn thanked City staff for their hard work in the project; reviewed major street zones including the current Urban Growth Management (UGM) boundaries consisting of 7 different geographical zones spread throughout the City; advised staff was in the process of simplifying the program by making it uniform and consistent and reviewed the new growth area and the core or in-fill area.

Assistant Public Works Director Mozier explained how the amount of \$414 million was determined and the difference that was done previously to the program; reviewed the capital program, the curb-to-curb program, the shoulder-to-shoulder program and the expansion of the Traffic Impact Fee Program, and concluded with a review of the arterial program and collector streets.

Tim Youmans, Managing Principal of Economic and Planning Systems, reviewed how the fee program was structured, the goals of the program, the methodology, comparisons with other jurisdictions on what the traffic fee was and what the total infrastructure burden was in those districts. He reviewed a diagram showing how the fee was divided into two components; advised the nexus study met the requirements of the mitigation act and established the relationship between those projects funded by the major street system and the development projects that would benefit from it. He reviewed cost allocation factors; vehicle miles traveled (VMT); cost allocation by land use; cost per acre by land use calculation and the fee schedule for in-fill and new growth areas. Mr. Youmans noted there were some issues relating to the boundaries of the growth

area and some project have already constructed their surrounding infrastructure in the new growth area, advising an appeal process was in place which would use case studies to set precedence of other projects going through the same land use. **(3-0)** Mr. Youmans reviewed the facilities of other public entities; a 2% administration fee; fee comparisons and comparisons to competitive jurisdictions and concluded.

Mr. Mozier reviewed four case studies of what the fee obligations would include namely 1) a 40-acre residential development by northwest corner of Jensen and Armstrong; 2) 80 acres of land in the South Fresno Industrial Area near Orange, American and Cedar Avenues; 3) 78 acres of regional commercial between Grantland and Veterans Blvd. on the northside of Shaw Avenue; 4) and a 10-acre neighborhood commercial near the northeast corner of Chestnut and Nees Avenues.

Mr. Ruiz requested Council adopt the fee system but phase it in over a three year period, noting staff recognized the significant impact. Mr. Bergthold stated the phase-in fees would begin on May 27, 2007, an update of second phase in July, 2008 and the third phase in July, 2009. Mr. Bergthold stated Council would need to direct staff to prepare the implementing policies which would come to Council in the next 30 to 60 days in the form of resolutions and ordinances; stated a number of issues were raised relating to double-dip issues, formalizing an appeal process, affordable housing waiver, how fees would apply to mixed use developments, priority of reimbursement fees, general implementation policy, requirements and timing of street improvements on adjacent properties, the 2% administrative fee, a financial accountability plan, approval timing and phase-in timing.

City Attorney Sanchez identified a legal objection, for the record, prior to Jeff Reid's testimony. Mr. Sanchez stated Mr. Reid, now a representative for the UGM process, was a former City Manager for the City of Fresno who, as the City Manager, was involved in the sharing of confidential information and was a key decision maker in issues that gave rise to matters he was objecting to today, noting after the statement was made for the record, Council was free to accept his testimony.

Jeff Reid, 5 River Park Place G, McCormick Barstow, representing the Central California Development Council, presented to Council a letter and an exhibit, on file in the City Clerk's Office. Mr. Reid stated he had worked with staff and the consultants who presented goals in writing in which the per acre fee was to be as close as possible to each other for the various land uses while still meeting the mitigation fee act and elaborated. Mr. Reid stated Stockton had more closely aligned numbers, felt if there was more time a common agreement could be met, and expressed concern when a proposal was received for a fee of \$70,000 per acre fee for commercial development. Mr. Reid requested Council adopt the fee with the three year phase-in, stressing it would change the burden on the staff being able to come back to Council with what they were suppose to achieve. Mr. Reid requested staff be directed to work on a policy for the administration of commercial developments.

Dennis Gaab, 855 "M" Street, Suite 1120, Centex Homes, representing the Building Industry Association (BIA), provided a letter to Council, on file in the City Clerk's Office, stating the BIA was in support of the proposal, expressed concern with some of the details in the program and requested Council not adopt the policies related to the implementation adding more discussion was required.

Joe Guagliardo, 923 Van Ness #200, complimented staff for the time and level of commitment displayed, stated the proposed policies regarding the implementation of the major street impact fees still required a variety of improvements and reviewed concerns with Exhibit "B" related to affordable housing and condominium conversion.

Jamie Holt, 847 E. Yale Avenue, stated the proposed plan addresses all the issues and the plan encouraged higher densities, in-fill development, addressed the air quality, safety, transportation and public health benefits and requested Council approve the plan as presented.

Sara Hedgepeth-Harris, 5445 E. Lane, League of Women Voters and Fresno Housing Alliance, stated the Housing Alliance was in support of the proposal because it achieved several issues; advising there were still concerns with the methodology of determining the impacts, the definition of new development and the proposed use of CDBG funds to pay for impact fees.

Al Smith, 2331 Fresno St, Fresno Chamber of Commerce, stated the Chamber had been a part of the effort representing the business community and the addition of the new consultant had raised issues to split the agreement which had been at a closer level of agreement 60 days ago. Mr. Smith recommended Council look only at the first year and stressed if the three year program was approved it would put a burden on the wrong parties.

Suzanne Bertz-Rosa, 320 E. Simpson, Chair of the Mayor's Creative Economy Council Report, stated the recommendation of the report listed a strategic goal of staying the course and to adhere and fully integrate the goals of the 2025 General Plan.

Upon call, no one else wished to be heard and President Perea closed the hearing.

**(4-0)** Councilmember Dages questioned why only part of the fees were phased with Mr. Bergthold responding. Questioning continued relating to charges per acre for one story versus multi-story buildings; why more vehicle miles traveled was not considered with Mr. Bergthold stating the only area a multi-story building could be constructed was in a high-rise/mid-rise corridor in the downtown area where there would be more transit and not as many individual vehicles. Discussion ensued regarding fee comparisons for sewer and water with Mr. Ruiz stating the jurisdictional comparison was mainly based on street impact fee and the comparison was around the street fee and not the entire package of fees. Mr. Youmans provided two comparisons which were the traffic impact fees and the infrastructure burden comparison, advising the study tried to choose the most competitive areas and briefly reviewed both comparisons.

Councilmember Dages questioned the confidential report received from the City Attorney's Office with Mr. Sanchez stating his office had been involved since the beginning of the year where there were discussions with staff regarding the approach to the analysis; noting approximately two and a half weeks ago they met with the City Manager's Office and the consultant to walk through several of the details of the draft report and recommendations were made at that time. Mr. Sanchez stated a confidential memorandum was distributed identifying some of the issues Council would address today and advised he was not at liberty to speak directly on the issues and indicated there were some issues that were identified which needed to be supplemented by testimony on the record today along with the additional information the consultant provided, advising Council needed to provide justification for those distinctions to ensure there were no unreasonable burdens placed on new growth.

Discussion ensued regarding whether Council was confident with the information and testimony provided today with Mr. Sanchez recommending Council continue the item for two weeks to allow the consultant to provide supplemental information consistent with the letter the City Attorney's Office provided to Council. In response to Councilmember Dages as to whether the current bottlenecks would be fixed, Mr. Mozier stated a deficiency analysis was performed on all the existing bottlenecks and explained various levels of assessing and funding the repair of a bottleneck. Extensive discussion ensued regarding reimbursement on UGM fees.

Councilmember Dages stated he agreed with the new street impact fees for the first year, expressed concern with the second and third year; noting the fee was increased twenty times the amount on the retail portion and stated the end result would affect the consumer, who in turn, would pay higher rent or higher cost of goods.

A motion to approve the increase in the street impact fees for the first year as staff recommended was made and acted upon after discussion. Acting President Xiong noted he would second the motion for the purpose of discussion.

Councilmember Dages stressed he was not comfortable with an automatic increase to the taxpayer over the next two years and advised because of past administrations, the present Council had become the body to make the increase.

-----  
**LUNCH – 11:51 A.M. – 2:02 P.M.**  
-----

**(10:00 A.M.#1 A) CONTINUED HEARING TO CONSIDER APPROVAL OF RESOLUTION ADOPTING THE 443<sup>RD</sup> AMENDMENT TO MFS RESOLUTION NO. 80-420, ACCEPTANCE AND ADOPTION OF FINAL DRAFT REPORT, FRESNO MAJOR STREET IMPACT FEE PROGRAM NEXUS STUDY, ADOPTION OF FINDING OF CONFORMITY WITH THE MASTER ENVIRONMENTAL IMPACT REPORT 10130 FOR THE CITY'S 2025 GENERAL PLAN, AND ADOPTION OF A RESOLUTION ESTABLISHING POLICIES FOR IMPLEMENTING THE NEW STREET IMPACT FEE PROGRAM – PUBLIC WORKS DEPARTMENT (CONTINUED FROM EARLIER IN THE MORNING)**

Councilmember Calhoun stated he did not wish to speak at this time due to the above motion being made and would speak at a later time if the motion failed adoption.

Councilmember Sterling thanked everyone involved, stressed the need to increase the fees and the need to review the fee increase during the budget process; spoke in support of the phase-in concept and advised of the need of having discussions on all the outstanding issues,. She stressed the importance of keeping the committees together to continue working on the policy issues to resolve the administrative fees, public facilities, payments of UGM boundaries, the pass-through trips and the other issues that had come up recently. Councilmember Sterling stated if the issue had been brought forth earlier, the City would not be faced with the issue today today.

Councilmember Westerlund stated there was a solution that has not yet been reached, noting staff needed additional time to look at the issues at length; spoke of the importance of getting the stakeholders involved and stressed the need for a legally defensible nexus study.

An amendment to the motion to include adoption of the first year of impact fees, setting a date and time for staff to continue to work with the stakeholders and consultants to refine the nexus study, work on the equalization issue and return to Council in 6 months for years two and three was acted upon after discussion.

Mr. Youmans responded to questions relating to vehicle miles traveled. Ron Milam, Transportation Planner for Fehr & Peers, explained the process of assessing daily trips and vehicle miles traveled, stating both were performance measures and there was a need to be as equitable in assessing how much individual land use would have to pay in impact fees. Mr. Milam continued with the process of the use of daily trips, peak hour trips and trip lengths to measure vehicle miles traveled and elaborated. In response to Councilmember Westerlund, Mr. Milam stated if more time was provided, the fee assessment could be refined to make a stronger program and explained there were several issues that could be resolved on a technical basis by exploring different alternatives. Councilmember Westerlund questioned whether there were different systems and formulas to make different distinctions on travel with Mr. Milam responding. Councilmember Westerlund reviewed a road impact fee study performed in Lee County, Florida detailing 40 or 50 different categories and the fees attached to each category, noting the program was established in 1985, updated in 1989, 1990, not amended for ten years, and again, updated in 2000, 2003, and again in 2006 and questioned how often the study should be reviewed and updated with Mr. Milam responding. Councilmember Westerlund advised of the increase in fees relating to drive-throughs and questioned whether there were programs to reduce fees if steps were taken to mitigate the pollution with Mr. Milam stating if those areas were targeted there were programs that dealt with more land use types.

**(5-0)** Extensive discussion ensued regarding the design standards for median islands, the mini-financial study, equalization of the fee structure, daily trips in commercial areas, administrative costs, and interest fees. Councilmember Westerlund expressed concern that the UGM reimbursement program had not gone well, noting financial accountants should have been the ones who administered the financial side of the program. Discussion ensued regarding public facilities and the approach of calculating the vehicle miles traveled (VMT), land use issues, the appeal process and government entities.

Councilmember Westerlund questioned whether staff needed more time to bring back a stronger program with Mr. Bergthold stating more time would be useful in the next year to perfect the fee; advising an additional 30 – 60 days would be helpful to provide a stronger set of policies and to continue discussions with the stakeholders, stating the first year could be an interim fee in order to provide a stronger nexus for the following years. Mr. Bergthold reviewed the issues of concern that would be reviewed before the first annual update.

Councilmember Westerlund recommended an amendment be made to the original motion to include adding an interim fee with Mr. Sanchez stating the legal requirements would be the same whether it was an interim or permanent fee and the standards for the nexus study would have to be in place for justification. He advised Council had received additional testimony which could be factored into the previous concerns, stating it was a legislative call for the Council, added whatever fees were adopted they need to address mitigation under the Master Environmental Impact Report (MEIR) and elaborated. Councilmember Westerlund spoke in support of the amended motion to return to Council by September 1, 2007, with an improved program for the second and third year. Mr. Ruiz responded to questions pertaining to the timeframe involved in returning to Council with an improved program and after brief discussion, Councilmember Dages concurred with amending the date to September 1, 2007, and reiterated the need for public facilities to be included in the nexus study. Councilmember Westerlund stated more refinement could be put into the program such as land use and air quality and stressed the importance of additional time to perfect the study.

Mr. Ruiz stated staff would return in September, noting if the fees were similar, Council would be having the same discussion and expressed concern with the postponement in that the community may become frustrated. He advised staff would continue to look for refinements and unless there was substantial change in the retail and commercial office, the stakeholders might not support a similar program brought back in September. Councilmember Westerlund stated the additional 6 months would only improve the program.

Councilmember Duncan stated the City and stakeholders had agreed on the amount of \$414 million to improve City streets for the 2025 General Plan which was essentially developer driven through growth; advised three basic stakeholders were involved which included the home builders, the industrial builders and the commercial/retail builders and what staff had proposed was a scientific recommendation on how the percentage should be distributed. He expressed concern with the delay; noting the importance of adopting the fees immediately to avoid injuring the MEIR. Mr. Kirn explained the process of reviewing the MEIR and 2025 General Plan and identified goals, policies and objectives and elaborated.

Mr. Kirn responded to questions regarding adoption of a one-year rather than the three-year impact fee and stated the street improvement funding would have to come from other non-impact fee sources. Councilmember Duncan stated he understood the motion made and advised all the concerns could be addressed if Council adopted the full program as proposed by staff, stressing it ensured the fee schedule met the requirements of the MEIR and the 2025 General Plan and if changes were required at a later date, the changes would be made at that time. He emphasized the City needed to generate \$414 million to build the

infrastructure with brief discussion ensuing on the amount of funds needed for City streets and the amount the taxpayers would be paying. Councilmember Duncan reiterated the importance of adopting the three-year program and staff's recommendation was a solid one, emphasized the need to protect the 2025 General Plan and felt even after the increase in fees the City would remain very competitive.

**(6-0)** Acting President Xiong questioned the outstanding issues and if 30 – 60 days would be adequate time for staff to return with solutions with Mr. Bergthold and Mr. Sanchez responding. Councilmember Calhoun stated he was prepared to make a motion to approve staff recommendation and expressed his concern with the program not happening for a long time, reviewed the MEIR and what was presented to Council today, advising he felt it was an excellent program. He expressed his concern with the delay because there had been an appropriate amount of meetings, the right number and quality of the consultants, the involvement of staff and the development community which had resulted in an outstanding recommendation, emphasizing the need to move forward.

Councilmember Westerlund stated he was willing to support staff recommendation as presented, noting there were three phases and stressed there were issues in years two and three and felt it was necessary to approve the first step; stressing adoption of the first year fees did not jeopardize the MEIR, noting there needed to be more time to perfect the program. He emphasized there was no shift in the \$414 million to the taxpayers by adoption of the first year fees.

On motion of Councilmember Dages, seconded by Acting President Xiong, duly carried, RESOLVED, the draft Final Report regarding Fresno major street impact fee program nexus study prepared by EPS, Dated March 15, 2007, hereby adopted, the Finding of Conformity with the Master EIR 10130 for Environmental Assessment Number PW 06-06-27 hereby adopted, the above-listed Resolution No. 2007-116 hereby adopted as amended to adopt the year one increases, per staff recommendation, and staff directed to study the year two and three proposals and return with a model to include a fee on public facilities and recommendations in time to consider and implement the recommendations prior to September 1, 2007, to include the nexus findings that were set forth in the study, by the following vote:

|        |   |                                    |
|--------|---|------------------------------------|
| Ayes   | : | Dages, Sterling, Westerlund, Perea |
| Noes   | : | Calhoun, Duncan, Xiong             |
| Absent | : | None                               |

-----

**(10:00 A.M. #2) CONTINUED HEARING TO CONSIDER APPROVAL OF RESOLUTION ADOPTING THE 447<sup>TH</sup> AMENDMENT TO THE MASTER FEE SCHEDULE RESOLUTION NO. 80-420 FOR CITYWIDE TRAFFIC SIGNAL MITIGATION IMPACT FEES, ADOPTION OF FINDING OF CONFORMITY WITH THE MASTER ENVIRONMENTAL IMPACT REPORT 10130 FOR THE CITY OF FRESNO 2025 GENERAL PLAN – PUBLIC WORKS DEPARTMENT**

- 1. AMEND THE LIST OF INTERSECTIONS COVERED BY THE CITYWIDE TRAFFIC SIGNAL MITIGATION IMPACT FEE PER ATTACHMENT “A”**
- 2. ADOPT FINDING OF CONFORMITY WITH THE MASTER EIR 10130 FOR ENVIRONMENTAL ASSESSMENT NUMBER PW 06-06-27**
- 3. \* RESOLUTION NO. 2007-117– 447<sup>TH</sup> AMENDMENT TO MASTER FEE SCHEDULE RESOLUTION NO. 80-420 FOR CITY-WIDE TRAFFIC SIGNAL MITIGATION IMPACT FEES**

President Perea announced the time had arrived to consider the issue opened the hearing. Assistant Public Works Director Mozier briefly reviewed the staff report, advising the recommendation was to increase the traffic signal mitigation impact fees from \$41.47 to \$45.98 per average daily trip (ADT) and reviewed the components for the increase.

Scott Anderson, 855 “M” Street, Suite 1110, representing Fancher Creek Properties, presented a letter to Council, on file in the City Clerk’s Office, requesting the intersection of Fancher Creek Drive and Clovis Avenue be considered in the City’s proposed traffic signal mitigation impact fee as Fancher Creek Drive would be constructed as part of the Fancher Creek Development and once constructed would be dedicated to the City of Fresno.

Upon call, no one else wished to be heard and President Perea closed the hearing.

After brief discussion it was noted the above hearing was not the time to place additional intersections on the list.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the list of intersections covered by the City-wide Traffic Signal Mitigation Impact Fee hereby amended; the finding for the above entitled Finding of Conformity with the Master Environmental Impact Report No. 10130 for the City of Fresno 2025 General Plan hereby approved; the above entitled Resolution No. 2007 - 117 hereby adopted, by the following vote:



Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent : None

-----

**(10:15 A.M.) HEARING APPROVING THE FORMATION OF UNDERGROUND UTILITY DISTRICT NO. FRE-69 (VENTURA STREET BETWEEN “M” STREET AND STATE ROUTE 99) – PUBLIC WORKS DEPARTMENT**  
**1. RESOLUTION NO. 2007-118 – ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. FRE-69**

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Engineering Technician Polsgrove advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2007-118 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent: None

-----

**(10:20 A.M.) CONTINUED HEARING TO ANNEX FINAL TRACT NO. 5232 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 14 (PROPERTY LOCATED IN DISTRICT 5) – PUBLIC WORKS DEPARTMENT**

**A. RESOLUTION NO. 2007-119 - ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 11 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**

**B. RESOLUTION NO. 2007-120 - CALLING SPECIAL MAILED-BALLOT ELECTION**

**C. RESOLUTION NO. 2007-121 - DECLARING ELECTION RESULTS**

**D. \* BILL NO. B-29 - ORDINANCE NO. 2007-29 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 14**

President Perea announced the time had arrived to consider the issue and opened the hearing. Chief Engineering Technician Witzel advised the staff report as submitted was complete and there was no new information to add.

Dennis Gaab, Centex Homes, 855 “M” Street, Suite 1120, spoke in support.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2007-119, 2007-120, 2007-121 hereby adopted, and Bill No. B-29 adopted as Ordinance No. 2007-29 by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent : None

-----

**(10:30 A.M.) HEARING TO CONSIDER SITE PLAN REVIEW APPLICATION NO. S-06-287, AND ENVIRONMENTAL FINDINGS, FILED BY TAMARINDO, LLC., ON BEHALF OF MATHESON/HERRERA, PERTAINING TO 1.12 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF NORTH CHESTNUT AVENUE BETWEEN EAST GETTYSBURG AND EAST INDIANAPOLIS AVENUES (PROPERTY LOCATED IN DISTRICT 4) – PLANNING AND DEVELOPMENT DEPARTMENT**

**1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. S-06-287, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN**

**2. RESOLUTION NO. 2007-122 – APPROVING SITE PLAN REVIEW APPLICATION NO. S-06-287**

President Perea announced the time had arrived to consider the issue and opened the hearing. Parks Planning Coordinator Morrison advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

Councilmember Westerlund questioned whether the facades of the residences would be addressed as well as the elevation plans, adding if they were incorporated he would support the project, with Ms. Morrison responding.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Resolution No. 2007-122 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent: None

----

**(2:00 P.M. #2) CLOSED SESSION:**

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A)**

- 1. CASE NAME:** CITY OF FRESNO V. ALICE JOYCE GROVE, ET AL. (ATWOOD GROVE) FRESNO COUNTY SUPERIOR COURT CASE NO. 06CECG01289 DSB
- 2. CASE NAME:** KARABET AKBIYIKIAN V. CITY OF FRESNO, ET AL.

The City Council met in closed session in Room 2125 at the hour of 3:43 p.m. to consider the above matters and reconvened in regular session at 4:01 p.m. Councilmember Westerlund arrived shortly thereafter.

----

**(4:00 P.M.) 2006 CYCLE III PLAN AMENDMENTS – PLANNING AND DEVELOPMENT DEPARTMENT**

THE FOLLOWING PLAN AMENDMENT APPLICATIONS HAVE BEEN SUBMITTED FOR CONSIDERATION DURING THE 2006 CYCLE III FILING PERIOD IN ACCORDANCE WITH THE TRIMESTER PLAN AMENDMENT PROGRAM OF THE PLANNING GUIDELINES ESTABLISHED BY THE FRESNO CITY COUNCIL TO IMPLEMENT THE CITY'S LOCAL PLANNING AND PROCEDURES ORDINANCE, ARTICLE 6, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE. IN ADDITION TO THE PLAN AMENDMENT APPLICATIONS, THE PROJECTS DESCRIBED BELOW MAY INCLUDE REZONE APPLICATIONS TO CHANGE THE SUBJECT PROPERTIES' ZONE DISTRICT BOUNDARIES AND ASSOCIATED SPECIAL PERMIT AND TENTATIVE TRACT MAP APPLICATIONS PROVIDING FOR DEVELOPMENT OF THE SUBJECT PROPERTIES.

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Sanchez gave a briefly review of seven plan amendments and recommended approval.

Jeff Roberts, Granville Homes, spoke in support of the 4:00 p.m. "G" plan amendment. Bill Robertson, Sol Development and Associates, 906 "N" Street, Suite 100, spoke in support of items 4:00 p.m. "D" and "E". Frank Arellano, Architect, spoke in support of 4:00 p.m. "B" and Brian Garner, 5165 N. Polk, property owner, spoke in support of the plan amendments.

Upon call, no one else wished to be heard and President Perea closed the hearing.

**4:00 P.M. "A") CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-06-09, REZONE APPLICATION NO. R-05-113, AND ENVIRONMENTAL FINDINGS, FILED BY BRYAN GARNER, PERTAINING TO APPROXIMATELY 2.08 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF N. BRAWLEY AVENUE BETWEEN W. SHIELDS AND W. CLINTON AVENUES (*PROPERTY LOCATED IN DISTRICT 1*)**

**1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-06-09/R-05-113/T-5731**

**2. RESOLUTION NO. 2007-123 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY PLAN FROM THE LOW DENSITY RESIDENTIAL PLANNED LAND USE DESIGNATION TO THE MEDIUM-LOW DENSITY RESIDENTIAL LAND USE DESIGNATION**

**3. BILL NO. B-30 - ORDINANCE NO. 2007-30– AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE R-A/UGM (*SINGLE FAMILY RESIDENTIAL-AGRICULTURAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT TO THE R-1/UGM (*SINGLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT**

On motion of Acting President Xiong, seconded by President Perea, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, the above entitled Resolution No. 2007-123 hereby adopted, and Bill No. B-30 adopted as Ordinance No. 2007-30 by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent: None

---

**(4:00 P.M. "B")** CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-06-16, REZONE APPLICATION NO. R-06-52, AND ENVIRONMENTAL FINDINGS, FILED BY SARKIS PAPIKIAN, PERTAINING TO APPROXIMATELY 0.69 ACRE OF PROPERTY LOCATED ON THE SOUTH SIDE OF E. BUTLER AVENUE BETWEEN S. CEDAR AND S. CHANCE AVENUES (*PROPERTY LOCATED IN DISTRICT 5*)

**1.** CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-06-16/R-06-52/C-06-140

**2. RESOLUTION NO. 2007-124** - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN FROM THE MEDIUM-HIGH DENSITY RESIDENTIAL PLANNED LAND USE DESIGNATION TO THE NEIGHBORHOOD COMMERCIAL LAND USE DESIGNATION

**3. BILL NO. B-31 - ORDINANCE NO. 2007-31** AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE R-3 (*MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL*) ZONE DISTRICT TO THE C-2 (*COMMUNITY SHOPPING CENTER*) ZONE DISTRICT

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, the above entitled Resolution No. 2007-124 hereby adopted, and Bill No. B-31 adopted as Ordinance No. 2007-31 by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent: None

----

**(4:00 P.M. "C")** CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-06-17, AND ENVIRONMENTAL FINDINGS, FILED BY THE CITY OF FRESNO, PERTAINING TO 17.4 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF E. KINGS CANYON ROAD BETWEEN S. WILLOW AND S. PEACH AVENUES. THE PLAN AMENDMENT IS PROPOSING TO ACCOMMODATE A 5.5-ACRE TRANSIT VILLAGE PROJECT CONSISTING OF AN APPROXIMATE 2.75-ACRE TRANSIT STATION AND 2.75-ACRE SENIOR AND SINGLE FAMILY HOUSING (*PROPERTY LOCATED IN DISTRICT 5*)

**1.** CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-06-17/R-06-53

**2. RESOLUTION NO. 2007-125** - AMENDING 5.5 ACRES OF THE 2025 FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN FROM THE PUBLIC FACILITIES PLANNED LAND USE DESIGNATION TO MEDIUM-HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION AND TO AMEND 17.4 ACRES OF THE BUTLER WILLOW SPECIFIC PLAN FROM OFFICE COMMERCIAL PLANNED LAND USE DESIGNATION TO PUBLIC FACILITIES LAND USE DESIGNATION FOR 11.9 ACRES TO ACCOMMODATE AND EXISTING ELEMENTARY SCHOOL AND MEDIUM-HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION FOR 5.5 ACRES

**3. BILL NO. B-32 - ORDINANCE NO. 2007-32** - AMENDING THE BUTLER-WILLOW SPECIFIC PLAN FROM THE OFFICE COMMERCIAL PLANNED LAND USE DESIGNATION FOR 17.4 ACRES TO PUBLIC FACILITIES LAND USE DESIGNATION FOR 14.65 ACRES AND MEDIUM-HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION FOR 5.5 ACRES

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, the above entitled Resolution No. 2007-125 hereby adopted, and Bill No. B-32 adopted as Ordinance No. 2007-32 by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent: None

----

(4:00 P.M. “D”) CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-06-18, REZONE APPLICATION NO. R-06-54, AND ENVIRONMENTAL FINDINGS, FILED BY JOHN L. HALVAS, PERTAINING TO APPROXIMATELY 16.19 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF W. OLIVE AVENUE BETWEEN N. MARKS AND N. VALENTINE AVENUES (PROPERTY LOCATED IN DISTRICT 3)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-06-18/R-06-54
2. **RESOLUTION NO. 2007-126** - AMENDING 9.40 ACRES OF THE 2025 FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY PLAN FROM THE COMMERCIAL RECREATIONAL PLANNED LAND USE DESIGNATION TO THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION
3. **BILL NO. B-33 - ORDINANCE NO. 2007-33** – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE 16.19-ACRE SUBJECT PROPERTY FROM THE RR (*RURAL RESIDENTIAL, FRESNO COUNTY*) ZONE DISTRICT TO THE R-1/UGM (*SINGLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT

On motion of Councilmember Sterling, seconded by Acting President Xiong, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, the above entitled Resolution No. 2007-126 hereby adopted, and Bill No. B-33 adopted as Ordinance No. 2007-33 by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent: None

- - - -

(4:00 P.M. “E”) CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-06-19, AND ENVIRONMENTAL FINDINGS, FILED BY SOL DEVELOPMENT ASSOCIATES, LLC, ON BEHALF OF HORIZON ENTERPRISES, PERTAINING TO A SEGMENT OF N. BRYAN AVENUE FROM THE PROPOSED VETERANS BOULEVARD DIAGONAL SOUTH TO A POINT APPROXIMATELY ONE QUARTER OF A MILE NORTH OF W. SHAW AVENUE (PROPERTY LOCATED IN DISTRICT 2)

1. CONSIDER AND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-06-19
2. **RESOLUTION NO. 2007-127**- AMENDING THE CIRCULATION ELEMENT OF THE 2025 FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY PLAN TO DELETE A SEGMENT OF NORTH BRYAN AVENUE, A DESIGNATED COLLECTOR STREET, FROM THE PROPOSED VETERANS BOULEVARD DIAGONAL SOUTH TO A POINT APPROXIMATELY ONE QUARTER OF A MILE NORTH OF WEST SHAW AVENUE.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Resolution No. 2007-127 hereby adopted by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent: None

- - - -

(4:00 P.M. “F”) CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-06-20, REZONE APPLICATION NO. R-06-58, AND ENVIRONMENTAL FINDINGS, FILED BY INGELS-BRAUN, PERTAINING TO APPROXIMATELY 6.5 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF WEST SHIELDS AVENUE BETWEEN NORTH CORNELIA AND NORTH POLK AVENUES (**PROPERTY LOCATED IN DISTRICT 1**)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-06-20/R-06-58/T-5804
2. **RESOLUTION NO. 2007-128** - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY PLAN FROM THE LOW DENSITY RESIDENTIAL PLANNED LAND USE DESIGNATION TO THE MEDIUM-LOW DENSITY RESIDENTIAL LAND USE DESIGNATION
3. **BILL NO. B-34 - ORDINANCE NO. 2007-34** – AMENDING THE OFFICIAL ZONE MAP TO REZONE TO REZONE THE SUBJECT PROPERTY FROM THE RR (*RURAL RESIDENTIAL, FRESNO COUNTY*) ZONE DISTRICT TO THE R-1/UGM (*SINGLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT.

On motion of Acting President Xiong, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, the above entitled Resolution No. 2007-128 hereby adopted, and Bill No. B-34 adopted as Ordinance No. 2007-34 by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent: None

- - - -

(4:00 P.M. “G”) CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-06-24, AND ENVIRONMENTAL FINDINGS, FILED BY JEFFREY T. ROBERTS ON BEHALF OF GRANVILLE/PYRAMID HOMES, PERTAINING TO APPROXIMATELY 2.2 ACRES OF PROPERTY LOCATED ON THE E. SIDE OF BROADWAY STREET BETWEEN DIVISADERO AND SACRAMENTO STREETS (PROPERTY LOCATED IN DISTRICT 3)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-06-24/S-06-435/V-06-33/PW-11190

2. **RESOLUTION NO. 2007-129** - AMENDING THE CIRCULATION ELEMENT OF THE 2025 FRESNO GENERAL PLAN AND THE CENTRAL AREA COMMUNITY PLAN TO VACATE AND ABANDON FULTON LANE BETWEEN FULTON AND BROADWAY STREETS AND TO REDESIGNATE FULTON STREET BETWEEN DIVISADERO AND SACRAMENTO STREETS AND SACRAMENTO STREET BETWEEN FULTON AND BROADWAY STREETS TO COLLECTOR STREET

3. **BILL NO. B-35 - ORDINANCE NO. 2007-35** – AMENDING THE CIRCULATION ELEMENT OF THE FULTON/LOWELL SPECIFIC PLAN TO VACATE AND ABANDON FULTON LANE BETWEEN FULTON AND BROADWAY STREETS AND TO REDESIGNATE FULTON STREET BETWEEN DIVISADERO AND SACRAMENTO STREETS AND SACRAMENTO STREET BETWEEN FULTON AND BROADWAY STREETS TO COLLECTOR STREET

Councilmember Duncan complimented staff on an outstanding job in the submission of the well planning and due diligence of the above plan amendments and how the involved public was being kept informed with President Perea concurring.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, the above entitled Resolution No. 2007-129 hereby adopted, and Bill No. B-35 adopted as Ordinance No. 2007-35 by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent: None

- - - -

**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 4:12 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

*Approved* on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Henry T. Perea, Council President

\_\_\_\_\_  
ATTEST: Cindy Bruer, Deputy City Clerk

